

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:05cv288-H**

**CAPITAL PRODUCE DISTRIBUTORS, INC., )  
a South Carolina Corporation, )**

**Plaintiff, )**

**Vs. )**

**ORDER**

**FOOTHILLS PRODUCE MARKET; )  
BOBBY NEFF, individually; and LORI )  
NEFF, individually, )**

**Defendants. )**

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**THIS MATTER** is before the court on the court's own Motion for Case Status and plaintiff's Response to Motion for Case Status and Order to Show Cause (#10). In such response, plaintiff indicates that the individual defendants are in Chapter 7 bankruptcy and are nearing resolution of a settlement of plaintiff's adversary proceeding in bankruptcy against such defendants.

While this court greatly appreciates plaintiff's use and proper adherence to bankruptcy rules, the proper administration of the district court's docket requires the filing of a notice of pending bankruptcy proceeding under 11 U.S.C. § 362, which provides for an automatic stay. The court will, therefore, deem plaintiff's response to be such notice, and enter a stay of this matter pending resolution of the Chapter 7 proceeding or settlement of the adversary proceeding.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that this action is **STAYED** in accordance with 11 U.S.C. § 362 pending resolution of the individual defendants' Chapter 7 petition or settlement of plaintiff's adversary proceeding.

Signed: February 1, 2007

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Dennis L. Howell  
United States Magistrate Judge

